The Abolition

of the Office of

CORONER

in

New York City

A dispassionate study of the office leads one to the inevitable conclusion that it is an institution of government wholly unsuited to the needs of the present day. It is obviously expensive, and clearly inefficient. In some cases it is positively dangerous to thus entrust untrained men with important work. In a word, I know of no better illustration of the saying of Goethe that—"Nothing is more terrible than active ignorance."

—Joseph DuVivier, Assistant District Attorney,
New York County.

MARCH, 1914

THE NEW YORK SHORT BALLOT ORGANIZATION
381 Fourth Avenue, New York City

MAKE THE CORONERS MOVE ON

The bill of the Short Ballot Association, which is designed to get rid of the coroners, should have all possible encouragement to speed it on its way to passage. Abolishment of the coroners' jobs would relieve the political system of a vermiform appendix and the ballot of names which shouldn't be on it.

This bill would substitute for the coroners a chief medical examiner and subordinates. The present coroners would be retained with diminished powers until the expiration of their terms; then the place would go out of existence. It should. The coroner as a judicial officer is a joke; as a criminal investigator he is only less a joke. Inquests seem to be necessary in many cases of sudden or suspicious death. Where they are, they should be conducted by duly qualified physicians working with men from the District Attorney's office and the Police Department. The coroner may have been a useful official once, but he has outlived his time.

(New York *Tribune,* Feb. 25, 1914.)

WASTEFUL AND HARMFUL

The office of Coroner, as it exists in the various counties of this State, and in New York especially, is worse than useless. * * *

In the first place, the office of Coroner is extremely wasteful. Everything that is done in it has to be done over again. In the next place, nearly everything that is done is done badly. In the third place, the office, as now constituted and administered, is a direct and serious hindrance to the accomplishment of its objects, the ascertainment of the facts as to possible crime. In the fourth place, in cases of death by accident, where the question of civil accountability for damages arises, the proceedings of the average Coroner are calculated to injure the rights of one or the other party to suits that may arise.

It is astonishing that an office so useless and so badly managed, full of antiquated abuses and defects, should have been kept in existence so long. * * * The abolition of the office is a direct, practical and logical application of the principle of the short ballot, and would substantially reduce the hold of the professionals upon the machinery of politics. It would, moreover, be a contribution to the fair administration of criminal law and of important cases of civil suits. The Legislature should see in it a measure necessary to complete the general process of short ballot reform which is so imperatively required.

(New York *Times,* March 1, 1914.)

THE USELESS CORONER

The most worthless and inefficient part of the city's governmental establishment, worse even than the worst of courts, is the coroners' office. * * *

No record has ever been kept of the number of criminals that have escaped because of the blunders of the examining coroner. The coroner is not a medical man and is thus incompetent to determine causes of death; he is not a lawyer and thus does not know how to gather evidence and to examine witnesses; he has had no experience in criminal investigation and is an injury rather than a help in following up clues. Yet many thousands of taxpayers' money goes out annually to maintain the coroners' elaborate organization. * * *

It is perhaps impossible to oust the coroners elected in 1913 for terms of four years, but no new batch should be created.

(New York *Globe,* March 2, 1914.)

THE OFFICE OF CORONER IN NEW YORK CITY

The bills (see pp. 14 *et seq.*) for which this pamphlet is a brief were drafted by a committee consisting of the following:

Walter T. Arndt, Secretary, The Municipal Government Association of New York State,

Nathaniel A. Elsberg, ex-state senator,

H. S. Gilbertson, *Chairman*, Secretary, The New York Short Ballot Organization,

Wayne D. Heydecker, Assistant Secretary, The City Club of New York,

Dr. E. H. Levinski-Corwin, Secretary, Budget Committee of The Academy of Medicine,

Phillip J. McCook, President, The Young Republican Club of New York,

Dr. Charles Norris, Director of Laboratories, Bellevue Hospital,

Clarence Bishop Smith, of the City Committee of the Citizens' Union.

IN the conduct of a government, it must necessarily fall to the lot of certain officers to exercise a very large measure of discretionary power over the disposition of issues which vitally affect personal rights and welfare. Conspicuous examples are the judges of our higher courts and the Governor, who dispenses the pardoning power, without let or hindrance from any quarter except his own wisdom and will. But when in a free government such discretion must be exercised, it is essential that it be done in full view of the public, not merely formally but practically so, and that the officer himself be a person of unimpeachable integrity and ability. For no more dangerous combination, or none more full of potentialities for corruption and oppression could be conceived than that which unites in a person of no special ability or character great power and great obscurity.

A DANGEROUS COMBINATION

The office of coroner under the New York laws and especially in the busy metropolitan life of New York City is a most conspicuous example of this combination. No other office more completely illustrates what has been termed the "twilight zone" in government—the group of offices whose duties are so inconspicuous and hold so little interest for the average voter that he does not know, or care to know, the candidates who aspire to fill them, to say nothing of their qualifications; he leaves it entirely with the political organization to make the selections. The obscurity of the coroner's office is indeed so great as to be a frequent subject of jest. In sensational cases it is often true that the prominence of some person involved, or the unusual nature of a homicide, brings the coroners into notice, but in the vast majority of the five to six thousand routine cases, which come within their jurisdiction within a year, they are quite as immune from popular criticism as an office boy. The general citizen-interest in the actual operation of the office is correspondingly slight.

And yet this obscure officer, for whom no legal, medical or other special qualifications is prescribed, and who in practice is not always selected for his conspicuous general integrity, in his own field has larger powers than the district attorney. In selecting a jury he may compel any person under his

jurisdiction to give expert testimony or give up his time for any period, without compensation. The jury so formed may not be challenged. The coroner may summon witnesses and compel them to give testimony and may issue warrants of arrest for a party suspected of a crime and hold him for investigation by the grand jury. He also has practically unlimited powers to cause an autopsy to be performed upon a human body which comes under his jurisdiction.

Even a casual consideration suggests their possibilities under these conditions, for corrupt practice, unless in the actual conduct of the office, by some supplementary means, unknown to the law, and of a more or less temporary nature, these possibilities are overome. That such precautions are taken under a particular administration of the district attorney's office or by other special means, is no defense of the present coroner system, but rather a reflection upon it.

THE CORONER AND THE BALLOT

But not only is the separate election of the several coroners a political mistake from the point of view of those officers; but it contributes its share toward the general complexity and confusion of our system of local government and election. It continues just so much patronage to perpetuate political machines.

To dispose of the office of coroner, therefore, in such a way as to simplify the ballot, and to aid in the unification of the powers of local government and the better fixing of administrative responsibility therein is the object of the measures for which this pamphlet is intended as a brief. The attack, if it may be so termed, is not upon the administration of the office either at present or at any other time, but upon an ancient, outworn institution which is wholly unsuited to the needs of this age.

DECLINE OF THE CORONER'S OFFICE

In New York City the jurisdiction of the coroners is unusually large, extending to the cases in which any person has died "from criminal violence or by a casualty, or suddenly when in apparent health, or when unattended by a physician, or in prison, or in any suspicious or unusual manner." But in actual practice the office, except for certain incidental and infrequent civil duties, is an adjunct to the machinery of criminal justice, and it is only in cases where a crime is involved that the findings of the coroner, or his jury, have any weight, beyond their contributions to the vital statistics of the health department. In contrast to the great powers of the office in other respects, the coroner's court is quite impotent to enforce conformance to its mandates, beyond its power to take a suspected party into custody. Its records, such as they are, have no independent weight in subsequent proceedings of either a criminal or a civil nature. It is true that the coroners make investigations of fatal accidents and recommendations to prevent their recurrence, but they are utterly powerless to compel and public official to take preventive measures of any sort. And rightly so, for the coroner in the highly complex and specialized life of a great city, is far less competent than any one of a dozen municipal departments equipped with technical experts and facilities, to investigate these casualties. And so, in practice, the comments of the coroner upon the causes of a disastrous fire, or upon the dangerous condition of excavations or the carelessness of building contractors, go unheeded, and the responsibility for

special investigation is put upon the building, or fire departments, the Public Service Commission or some other division of the city government. The coroner's office is an anachronism in an age of close specialization in all the sciences. It is not equipped to make the kind of investigations which modern conditions demand.

But although on so many sides it has been superseded by more competent agencies, it continues to go through the motions of performing its ancient functions, maintaining an elaborate organization and rolling up a needless expense upon the community. Because of its lack of genuine importance, the office has long since ceased to be the post of honor which is implied in its name. It no longer attracts a high type of citizen. It has become a football of politicians. On some occasions it has been tainted with corruption.

The difficulty with the office is doubtless due, primarily, to the method of filling it. Competent administrators cannot ordinarily be secured by popular election, and still less, men of high technical attainments, either lawyers or physicians. The elective system, furthermore, has prevented permanence of tenure, without which even the most competent specialists could not attain to the expertness in handling the legal and medical questions which come up for consideration. Again, it is quite out of the question to expect both medical and legal qualifications in the same person.

The failure to observe these limitations in New York City has produced a very natural result; the coroners without exception are, and always have been, lacking in the necessary qualifications to act in any phase of the cases brought before them, or even to supervise and appreciate the work of the technical experts (coroner's physicians) under them. It is safe to say that not one coroner in New York City, within the past ten or twelve years has had anything approaching the proper legal training, if any training at all, to sit as magistrates. Nor has any effort been made on the part of the political parties in making the actual selections of the candidates, to secure persons of such qualifications. The office of coroner is an easy position, paying a salary of $6000 a year, which usually goes to a district leader who has served his party well. A candidate may go directly into this office from a career as a storekeeper, clerk, machinist, plumber, or any other walk in life. A certain percentage of the coroners are licensed physicians, but have never occupied a place of honor in their profession.

THE CORONER AS A LEGAL AGENCY

A notion of the respect in which the coroners' office is held by public prosecutors may be gleaned from a quotation from a recent address on the coroners' office by Mr. Joseph DuVivier, Assistant District Attorney of New York County:

> "The coroner does nothing that must not be done over again. No reliance can be placed on anything that he has done, nor can he be trusted to do anything right. Every case in which there may be criminal responsibility must be watched. The body of the deceased is barely cold before the experienced prosecutor begins to guard against the probable mistakes of the coroner—the shifting of the furniture at the scene of the crime, the unskillful handling of witnesses, the insufficient identification of the body at the autopsy, the careless identification of the bullet or knife, or poison, or the clothes worn by the deceased, the danger of newspaper publicity, the observance of the technical requirements of an ante-mortem statement, the injury from unguarded and unrestricted cross-examination of the People's witnesses, and the many dangers in every homicide case of importance."

The present coroners, happily, have acceded to these arrangements, with other city departments, where certain of their predecessors have been intent upon preserving the independenc of their ancient office and in so doing have made both it and themselves a laughing stock.

INCREASING IMPORTANCE OF EXACT INFORMATION CONCERNING CAUSE OF VIOLENT DEATHS

The decadence of the coroner's office, however, has not diminished the importance of the services which it is supposed to perform. With greater density and greater complexity of population goes a greater opportunity for concealing crime. Greater skill is therefore required in its detection. Greater integrity on the part of public officials is required as an offset to the opportunities for corruption. In this situation the importance of the medical expert, whose duties in coroner's case are virtually those of a special detective, is greatly enhanced.

But the number of cases of death by criminal violence in New York City bears a very low ratio to the number of violent deaths from other causes.* The increased use of motor-driven vehicles, the construction of many large steel-frame buildings, the excavation of the streets for transportation and other large enterprises have greatly added to the risk of death, not only of workingmen engaged in them, but of the citizens generally.

CIVIL LIABILITY AND THE CAUSE OF DEATH

With these new dangers come into being new civil liabilities not only on the part of persons directly or indirectly responsible for fatal accidents, but on the part of those third parties whose business it is to assume the burden of such liabilities and to make compensation for the loss of life—the liability, accident, and life insurance companies. The placing of the financial burden in case of death has opened up, within comparatively recent years, a fruitful field of litigation.

The liability business, to be sure, has been largely diminished in cases involving an employer, by the passage of the Workingmen's Compensation Law, which has abolished litigation in most cases and has eliminated from consideration a number of questions of fact by abolishing the "fellow servant" rule, and the doctrine of "contributory negligence," when the workingman or his dependents waive compensation and choose to sue for damages. But this new law takes care only of employees—it makes no provision for the heirs of a citizen killed by an automobile, or by a surface car, or by material falling from a building or in a hundred other accidental ways.

In the case of accident insurance, it is sometimes necessary to establish the cause of death as between suicide or sickness, in order to prevent the collection of the death claim by fraudulent representations. Many persons who are rejected for one reason or another for life insurance, protect their beneficiaries by such policies. Under such circumstances it is obviously to the advantage of the heirs to prove or attempt to prove death by accident, and equally to the advantage of the insurance company to prove the contrary. Under most accident policies, the benefits in case of death are double the face value of the policy.

Life insurance policies are usually contestable for a period of from one

* The annual report of the Board of Coroners for the Borough of Manhattan for 1912 records 198 homicides, as against 451 deaths by casualty, 404 deaths by accidental asphyxiation, 59 by accidental shooting, poison and cutting, 724 by fractures due to falls, and 474 by suicide.

to three years from the date of issue and are uncollectable within that period if the holder has committed suicide.

When an injustice is committed in any of these cases it falls not alone upon the insurer but in the last analysis, upon the policy holders, through the increase in the cost of insurance, and is thus a social burden.

EVIDENCE SHOULD BE PROTECTED

From the foregoing it must be perfectly clear how vitally important are both the personal and property interests which may, in many instances, be jeopardized by the loss of a single link of evidence, or by its diversion into the hands of one party to a suit at the expense of the other. The liberty, and possibly the life, of an accused citizen may either be saved or sacrificed by determining the direction of a bullet, or by the presence or absence of poison in a dead body which may be revealed by chemical examination. Similar items of seemingly small moment may be the pivotal points upon which may depend the liability of a litigant to part with thousands of dollars, either justly or otherwise.

In the whole range of these cases, the actual work of the coroner's office falls far short of its greatest utility. Where civil liability is involved, it is often, indeed, a contributory factor toward an unjust settlement of claims.

ACTUAL ADMINISTRATION

Primary Investigation of Deaths

FOR the purpose of ascertaining facts, the crucial point in the entire proceeding is the primary investigation at the place of death. It is here that the most vital evidence and the greatest opportunities for suppressing, distorting and capturing of evidence are afforded. Unless proper precautions are taken, objects contributing to the death may easily be removed or rearranged so as to lead to wholly false conclusions. Witnesses may be influenced as to their future testimony or they may be spirited away.

To prevent such miscarriages of justice should be one of the primary purposes of the coroner's office. The law contemplates that the coroner shall go at once to where the body lies and "take charge." In actual fact he does nothing of the kind—except as hereafter noted. The investigation is made by the police, unaided and unguarded, except where the circumstances point to criminal violence, when the district attorney, distrustful both of the police and the coroner, sends his representative to prevent any perversion of justice. The exceptional cases to which the coroner goes in person are those, which, on account of the prominence of the dead person or the sensational character of his death, afford unusual opportunity for calling public attention to the coroner's vigilance or for less commendable purposes. In situations like these it is not impossible, nor has it been an infrequent practice for certain coroners in the past to collect toll for overlooking the necessity of an autopsy or for otherwise making things "easy" for the relatives of the dead person or some other interested party.

It is also of utmost importance that a man of special medical training and experience be on the case at the earliest possible moment after the death. Such a trained person will often discover facts of the most vital importance, which would entirely escape the notice of even a trained detective. But in practice, the coroner's physician is frequently not notified of

the death, until hours after it has taken place. It sometimes happens also that the police, with no evil intentions, but in total ignorance of the medical exigencies, may make a disposition of the body which will seriously interfere with a correct medical diagnosis.

Furthermore, it is essential that all the circumstances surrounding the death should be immediately reduced to writing, lest through lapses of memory or because of improper pressure, the person making the examination will give false or inaccurate testimony at the subsequent inquest, or in a civil or criminal trial which may arise. . But neither the coroners nor the coroners' physicians take such exact notes.

At the same time, the instruments of whatever sort, which have caused the death, should be taken into custody lest they get into possession of one party to a subsequent action, to the grave detriment of the other. The present system often prevents the careful preservation of such material.

The whole procedure immediately after the death is not only ideally constructed to foster injustice, but it invites corruption. To the police officer, otherwise all too closely beset by tempters, it offers just one more avenue to a moral lapse, for it is upon him that the "ambulance chaser" and even the criminal is most likely to make his first attack. The police officer, in such cases, where proffers of petty bribes are frequently made, acts independently without the moral support of other officials. For a consideration he may be induced to swear to false testimony in a subsequent civil proceeding, for the purpose of aiding in a verdict which will result in the collection of an accident policy. Or he may be "fixed" to keep quiet concerning circumstances which reflect upon the character of the deceased person. On the other hand, if the policeman has already been corrupted, he has an excellent opportunity to extend his corruption to the more active crime of blackmail. In any event the state owes it both to itself and to its public servants to minimize such temptations.

It is a favorite defense of the coroner system that, by reason of its great independence and power, it is peculiarly fitted to protect the interests of the poor man. But actual practice does not bear out this contention. If, for example, a fatal street accident occurs to an unattended citizen, through the operations of a railway corporation, or through the negligence of a building contractor, it is usually the agents of the latter and not those of the unfortunate citizen, are quickly on the spot to protect the evidence and to hold the witnesses. The traction companies, for example, have a rule that immediately the slightest accident occurs, the conductor shall take the names of as many witnesses as possible. When the accident is slight or the individual lives long enough to make an ante-mortem statement, the case is not apt to be one-sided. But the heirs of a man who is killed outright may suffer materially in such a contingency, if they are not financially able to employ the services of skilled lawyers and detectives.

THE CONDUCT OF AUTOPSIES

The second stage in the more serious and difficult cases before the coroner is the autopsy. Almost one fifth of all the cases are made subject to post-mortem examination by the coroner's physician, each of the coroners in New York City being required by law to appoint such an officer, whose testimony constitutes the most important feature in an inquest.

The conduct of autopsies in coroners' cases leaves much to be desired. Aside from the very doubtful qualifications of some of the incumbents, the

method of administration is faulty. In communities where an effort has been made to really modernize the public investigation of violent deaths, e. g., in Massachusetts, it is customary to require the physician to make a record of his findings, not at some later time, but in the course of the very progress of his investigation. This precaution, as in the case of the investigation of external circumstances, overcomes the lapses of memory and is a check upon the physician, if he should develop a tendency to dishonesty, and should be induced to change his testimony. The coroner's physicians in most instances do not take their notes in any such exact and detailed form.

THE CORONER'S COURT

It is quite possible for the coroner to impair the work of the district attorney, for, in theory, he is the equal of the latter because of his direct commission from the people by the ballot. During the past few years, coroners have, in general, given to the deputy assistant district attorney, a large measure of control over the investigations in which there has been a suspicion of crime. Nevertheless, the coroner's court in the past has been the scene of many irregularities, partly serious and partly ludicrous, and due, for the most part, to the total ignorance on the part of the coroner of the nature of legal evidence and procedure, and of the civil rights of accused persons. The coroner has been known, to instruct the jury as to a verdict in direct contradiction to the expert evidence presented by the coroner's physician, the result in the case having an important bearing on the disposition of a large amount of accident insurance.

Were it not for the presence of a district attorney's representative the coroners would frequently give the defense a premature knowledge of the known evidence and permit the accused to manufacture perjured evidence to be used in rebuttal.

The jury itself, being drawn without the slightest protection to secure impartial men, is more than likely to be subservient to the coroner in any case in which he may develop an interest. The type of men thus called are in most cases wholly unfit to pass any sort of an opinion on a case where the evidence is of a technical sort.

Perhaps the greatest harm which inheres in the conduct of the coroner's court is the opportunity it gives for unfair and improper access to witnesses. It is the second point of attack of the ambulance chaser and the shyster criminal lawyer.

RECORDS OF THE CORONER'S OFFICE

A function of extreme importance which should be performed by the coroner is that of keeping accurate records of the number and cause of violent and sudden deaths and of personal facts concerning persons meeting their end in these ways, which could be made available to statisticians working upon insurance, labor and other problems of vital social interest. The records of the autopsies should be made available in the fullest sense to medical science.

The City of New York is, without question, the richest field in America for investigation along these lines. At a trifling expense it could be making a contribution of inestimable value to the causes of science.

The coroners of New York City, in common with most of those throughout the country, have neglected this important opportunity. The law calls

for certain records which shall contain "in alphabetical order the names of deceased persons upon whom inquests have been held, the date of the inquests, the cause of the death, the name of the coroner holding such inquest and such other references as may be necessary to enable public officers, or parties interested, to examine fully the records of the coroners office *for legal* purposes." Even the strict compliance with the statute would render these records of comparatively little value to *scientific* investigators.

CONSTRUCTIVE PROPOSALS

NOTHING short of a complete reorganization of the office and a complete change in administrative procedure would seem to be a sufficient measure of reform. This reorganization must be effected on the following lines:

(1) The officer charged with the functions will not only be theoretically, but practically, accountable for his acts, and those of his subordinates.

(2) Every separate function of the office should be performed by a competent specialist, legal functions by legal and medical functions by medical experts,

(3) The State and all parties concerned in any possibly criminal or civil action arising from the death should be equally protected against the misuse of evidence or witnesses, and against the violation of other civil rights,

(4) Permanent and exact records should be made and kept available for all parties having a direct or indirect, legal or scientific interest in them.

HOW ORGANIZE THE NEW OFFICE?

In accomplishing these purposes, it is clear that the coroner must be cut off the list of elective officers for the reasons stated (p. 3). But this step immediately raises the necessity for devising a new method of selection. Shall the coroners, now borough officers, be retained as such, and hereafter be appointed by the official head of the borough? This might be wise, but it appears that the principle of fixed responsibility could be better observed if the functions of the coroner were more concentrated. Accordingly, in the proposed amendment to the city charter it has been provided that the principal functions of the coroner be vested in a chief medical examiner for the entire city, whose duties would include practically all of the work which is not of a judicial character, and which is not done by virtue of his position as a substitute sheriff in certain special cases.

The office of chief medical examiner should be virtually an independent department of the city government, for the reasons which follow:

The larger proportion of sudden and violent deaths are not made subject of criminal investigation, hence it would be inappropriate to attach the office to that of the district attorney, whose functions even now extend beyond those of a prosecuting officer. Nor would a connection with the health department be any more logical. The latter is engaged in disease prevention; from the medical point of view it is interested in a wholly different set of problems from the coroners and their physicians; its work is mainly along the lines of preventive medicine and sanitary engineering and it touches the coroners only in so far as burial certificates and vital statistics are concerned. For a different reason, the present functions of the coroner should not be turned over to the police, since the work of the latter should be subject to check, in order to reduce the opportunities for

corruption. The new office must be thought of mainly as a piece of judicial machinery. But since the supreme, or any other court, is hardly a proper place to vest appointing power, it has been deemed best to make the chief medical examiner directly responsible to the mayor.

In the exercise of his duties, the chief medical examiner would have the aid of as many assistant medical examiners as the situation might require, or the local authorities allow, though in the first instance, the present coroner's physicians would be designated assistant medical examiners. He would also be empowered to appoint all necessary microscopists, bacteriologists, chemists, clerks, stenographers, messengers and other assistants. No person under this law, could become chief medical examiner except a "skilled pathologist and microscopist" who has had not less than ten years successful experience in the performing of autopsies. The tenure of this officer would be during good behavior.

NEW INFLUENCES AT WORK

This arrangement would leave the coroners elected in 1913 to perform during the remainder of their four years' term, the function of magistrates in a limited class of cases (homicides). At the end of their terms, the office of coroner in New York City would be abolished, and its judicial functions thereafter performed by the city magistrates. The civil functions now exercised by the coroner in cases to which the sheriff is a party, and which have nothing whatever to do with cases of unusual death, would be devolved at once upon the city chamberlain. By means of these readjustments, the separate functions of the coroner which, as has been shown, are of a highly technical character, would be imposed upon officials qualified to perform them, instead of upon a single official competent to perform none of them. Political influences, which heretofore have dominated the selection of the coroners and the conduct of the office, would be eliminated, so far as such a thing is possible by substituting for popular election a method of appointment by the highest and most responsible officer in the city, and by imposing high professional qualifications. Long, continuous and increasingly competent service should be reasonably expected from the chief medical examiner and his assistants.

SAFEGUARDING LEGAL EVIDENCES OF CAUSE OF DEATH

A dominating thought in the proposed measure has been to safeguard in every possible way and at every stage of the investigation, the facts, and the records of facts, surrounding the death. At the outset, it is required that notification of the death, instead of being sent as formerly to the coroner, shall be made to the officer in charge of the nearest police station. It becomes forthwith the duty of the desk sergeant first to send a detective, if possible, or other competent officer, to take charge of the body of the deceased, at once, and to prevent any interference with the body itself or any of the factors which may have contributed to the death, or may in any way lead to the determination of the cause of death. At the same time, the desk sergeant is required immediately to notify the chief medical examiner. The latter must at once send to the scene of the death an assistant medical examiner, who, on arrival, is required to take charge of the case, immediately superseding in control the police officer originally assigned. The assistant medical examiner must then, in the presence of the police officer,

not only make a thorough investigation of witnesses and of all other circumstances of the death, but make an accurate record thereof. No special provision has been made in the case of suspicious deaths for notification to the district attorney's office, inasmuch as this is already taken care of in practice, by an existing arrangement with the police department.

The assistant medical examiner in charge is authorized to determine *in the presence of the police officer* whether or not a further investigation, that is, an autopsy, is necessary. If so, he must notify the chief medical examiner's office and receive authority therefor; and, if the case presents complications, the chief medical examiner may assign the work to a specially competent man on his staff, or perform it himself. Or if, in any suspicious case, the district attorney deems such an autopsy necessary, he may order it to be made. It is believed that by this arrangement the possibility of blackmail by a subordinate officer will be eliminated, or at least minimized, since he must submit the necessity for an autopsy to his responsible superior officer, and, since his dealings with the relatives or other agents of the deceased person are conducted in the presence of a responsible witness.

The assistant medical examiner in charge of the body is given power to exclude from its vicinity all persons seeking to question the witnesses or to take possession of anything which may have contributed to, or which may explain the cause of, death. Neither the assistant medical examiner or any other public officer except the chief medical examiner and the district attorney are allowed to disclose the names of or addresses of any of the witnesses—this with a view to preventing the premature publicity which often prejudices the witnesses or the jury in important cases.

The assistant medical examiner is required to take full and accurate notes, and to take possession of all available objects which may later be useful as evidence.

In case an autopsy is performed, it must be done in the presence of at least two witnesses, and every fact derived from it must be noted at once and made a matter of record, thus preventing a lapse of memory or a "change of mind" on the part of the examiner. The records thus obtained are to be forwarded to the chief medical examiner, and are to be made public records under such rules as the mayor and the board of estimate and apportionment may exact. It is hoped by means of this arrangement to prevent one side of a civil case from obtaining an undue advantage of the opposing party.

The chief medical examiner's office would not only be a repository for records, but also for all of the physical objects which might have contributed to the death and which, if allowed to get into the hands of one party would have given him an undue advantage over his opponent, especially in accident cases.

BETTER JUDICIAL PROCEDURE

On the judicial side, it is believed, that under the city magistrates, the inquests when the system is in full running order, will be conducted with every regard to the rules of evidence, the rights of the accused party, and the subsequent case for the State, if the matter reaches the Grand Jury or is otherwise brought to trial. But the proposed system will reduce very materially the number of inquests by confining them to the cases where a suspicion of crime has developed. By Assistant District Attorney DuVivier it is estimated that all the really necessary inquests in New York County

could be performed by the addition of a single city magistrate. The city would thus be saved a large item of expense.

The coroner's jury would be abolished at once.

COST OF OPERATION

At the present time, New York City appropriates annually to its eleven coroners, about $170,000. Each of the five boroughs has a separate establishment, with its relays of clerks. Undoubtedly a great saving could be accomplished by a consolidation. At the end of the present coroners' administration, the judicial side of the work, under the proposed arrangement, would be much lighter than now. The salaries of eleven coroners at $6,000 or $66,000 would be eliminated, and probably not more than $14,000 (the salaries of two additional city magistrates) added.

A single property clerk could probably handle that part of the work for the entire city. Instead of five shifts of telephone operators with much time on their hands, one would be kept reasonably busy. The assistant medical examiners might well be of two grades. In the lower grade, the younger and less experienced men, to take charge of the cases in the first instance and to conduct the primary investigations; in the higher, a few very experienced pathologists to perform the autopsies in difficult cases.

The amount of present appropriations, devoted to the chief examiner's office, would undoubtedly much more than cover the cost of executing the present functions of the coroner's office. But the character of the work which might be expected by the proposed organization would be such that it would not have to be done over again by some other department of the government, and would have great and permanent value.

But the economy of the proposed system is perhaps the least of the arguments in its favor. The really large results hoped for are the greater protection which it gives to all parties to litigation, which arises out of deaths now brought for investigation under the jurisdiction of the coroners.

LARGER FUTURE USEFULNESS OF NEW SYSTEM

Once the system were established on a sound working basis, its usefulness might be extended beyond its present jurisdiction. To the office of chief examiner, equipped with medical specialists and laboratories, might be referred a variety of medico-legal questions which are essentially of a judicial nature. The handling of such questions at the present time by so-called "experts" before a lay jury has become a matter of scandal especially in cases of insanity, as witness the recent trials of Thaw and Schmidt. Not only does it effect in too many cases a travesty of justice, but the cost to the State in such cases as those of Thaw is beyond all reason. The spectacle too, of supposed scientists coloring the truth to fit the interests of their clients degrades the medical profession. Under our legal system we rightly confide to the jury questions merely of fact; the legal points are too technical for their decision. But medical testimony is not a whit less so. In Germany and Austria such matters are referred to a body of specialists of undisputed authority, and their word is final.

If ever such a system were adopted in this city and State, the office or department of the chief medical examiner, wholly free from political influences and organized on a thoroughly professional basis, might be made the final arbiter of these medico-legal questions.

AN ACT

To Amend the Greater New York Charter, Creating the Offices of Chief Medical Examiner, Deputy Chief Medical Examiner and Assistant Medical Examiners, Prescribing Their Powers and Duties, Abolishing the Office of Coroner, and Repealing Certain Sections of Chapter Four Hundred and Ten of the Laws of Eighteen Hundred and Eighty-Two, in Relation to Coroners.

(Introduced in the Assembly by Mr. Brennan—Introduction No. 905)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eleven hundred and seventy-nine of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 1179. There shall be two bureaus in the department of health. The chief officer of one bureau shall be called the "sanitary superintendent," who, at the time of his appointment, shall have been, for at least ten years, a practicing physician, and for three years a resident of The City of New York, and he shall be the chief executive officer of said department. The chief officer of the second bureau shall be called the "registrar of records," and in said bureau shall be recorded, without fees, every birth, marriage, and death, which shall occur within the City of New York.

§ 2. Section twelve hundred and three of such charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 1203. The department of health may, from time to time, make regulations fixing the time of rendering and defining the form of returns and reports to be made to said department by the chief medical examiner of The City of New York, in all cases of death which shall be investigated by him; and the chief medical examiner is hereby required to conform to such regulations, when they shall have been approved by the mayor and the board of estimate and apportionment.

§ 3. Sections fifteen hundred and seventy and fifteen hundred and seventy-one of such charter are hereby amended to read as follows:

§ 1570. No vacancies in the office of coroner shall hereafter be filled. Commencing with the first day of January, nineteen hundred and fifteen, the coroners then in office shall hold inquests in such cases as shall be brought before them by a district attorney in pursuance of law, and shall exercise the powers and duties of magistrates in connection with such cases and no others, and shall exercise no other powers and duties. The coroner's jury in The City of New York is hereby abolished. From and after the first day of January, nineteen hundred and eighteen, the office of coroner is abolished; and on such date, all the books, papers, records and other property of the coroners in The City of New York shall be transferred to the chief medical examiner of said city, provided for in section fifteen hundred and seventy-one-a of this act.

§ 1571. The coroners in each borough shall appoint a stenographer whose duty it shall be to take accurate and full stenographic minutes and transcribe the same, of all proceedings and testimony taken before any one of them. The terms of office of such stenographers shall cease and determine on the first day of January, nineteen hundred and eighteen. The terms of office of all officers, clerks and subordinates appointed by said coroners except the stenographers as above provided for and except the coroners' physicians provided for in section fifteen hundred and seventy-one-a hereof shall cease and determine on the first day of January, nineteen hundred and fifteen.

§ 4. Such charter is hereby amended by adding thereto eleven new sections, to be known as sections fifteen hundred and seventy-one-a, fifteen hundred and seventy-one-b, fifteen hundred and seventy-one-c, fifteen hundred and seventy-one-d, fifteen hundred and seventy-one-e, fifteen hundred and seventy-one-f, fifteen hundred

an seventy-one-g, fifteen hundred and seventy-one-h, fifteen hundred and seventy-one-i, fifteen hundred and seventy-one-j and fifteen hundred and seventy-one-k, to read as follows:

CHIEF MEDICAL EXAMINER; POWERS AND DUTIES

§ 1571-a. On or before the first day of January, nineteen hundred and fifteen, the mayor shall appoint an officer to be known as "the chief medical examiner of The City of New York," who shall hold office until he shall resign or be removed. The mayor may remove such officer only upon stating in writing the reasons for such removal and allowing him an opportunity of being heard in his own defense. The chief medical examiner shall be a skilled pathologist and microscopist and shall have had not less than ten years' practical experience in the performing of autopsies. Before entering upon the duties of his office he shall take the constitutional oath. He shall receive an annual salary to be fixed by the board of estimate and apportionment and the board of aldermen. It shall be his duty to appoint such assistant medical examiners (one of whom he shall designate deputy chief medical examiner), microscopists, bacteriologists, chemists, clerks, stenographers, attendants, messengers and other assistants as may be authorized by the board of estimate and apportionment; provided, however, that the coroners' physicians in office at the time of his appointment shall be designated assistant medical examiners and shall be removable by him. The chief medical examiner shall keep his office open every day in the year, including Sundays and legal holidays, with a clerk in constant attendance at all times during the day and night. He shall succeed to all the powers, duties and liabilities of the several coroners and boards of coroners except as otherwise provided by law.

ASSISTANT MEDICAL EXAMINERS

§ 1571-b. Assistant medical examiners acting under the chief medical examiner of The City of New York, shall be skilled pathologists and microscopists having practical ability to make autopsies and to perform such other duties as may be generally required of assistant medical examiners.

SCIENTIFIC EXPERTS

§ 1571-c. It shall be lawful for the chief medical examiner to employ any scientific expert to examine the body of any person who shall have died from alleged criminal violence, or by casualty, or in any suspicious or unusual manner. Upon the certificate of such employment by the chief medical examiner being filed with the comptroller of The City of New York, such scientific expert shall be entitled to recover and receive as a proper claim against said city, just and reasonable compensation for his services rendered. Such services shall be certified by the chief medical examiner to the comptroller of said city.

VIOLENT AND SUSPICIOUS DEATHS; PROCEDURE

1571-d. When in The City of New York any person shall die from criminal violence, or by casualty, or suddenly when in apparent health, or when unattended by a physician, or in prison, or in any suspicious or unusual manner, the officer in charge of the station house of the police precinct in which the said person has died shall immediately notify the chief medical examiner of the known facts concerning the time, place, manner and circumstances of such death, and shall detail a detective or other police officer to go, without delay, to the dead body and to take charge thereof until the arrival of a medical examiner, and to remain until the medical examiner shall have completed his investigation. Immediately upon receipt of the aforesaid information, the chief medical examiner shall go in person, or require one of the assistant medical examiners to go, to the dead body, and take charge of the same. The chief medical examiner, or the assistant medical examiner so assigned, shall fully investigate the essential facts concerning the circumstances of the death, taking the names and addresses of as many witnesses theerto as it may be practical to obtain, and before leaving the premises, shall reduce all such facts to writing and thereupon file the same in the office of the chief medical examiner. The police officer detailed as above stated, shall, in the absence of the next of kin of the deceased person, take possession of all property of value found on or belonging to the deceased person, make an exact inventory thereof on his report and deliver the said property to the police department,

which shall surrender the same to the person entitled to its custody or possession. Nothing in this section contained shall affect the right, powers and duties of the public administrator or any county in whole or in part included within the boundaries of The City of New York, in respect to the property and effects of deceased persons, as provided by law.

POSSESSION OF PORTABLE OBJECTS

§ 1571-e. The medical examiner assigned to make the investigation of the death of any person shall take possession of any portable objects which, in his opinion, may be useful in establishing the cause of such death, and shall deliver such objects to the chief medical examiner, who shall keep the same in his possession for such period of time as he may deem necessary, subject to the order of the district attorney or a justice of the supreme court.

WITNESSES

§ 1571-f. It shall be the duty of the police officer and the medical examiner assigned to any case, as provided in section 1571-d hereof, so far as possible, to prevent all other persons except the district attorney or an authorized representative, from communicating with the witnesses concerning the death, or the circumstances pertaining thereto, at the place where the dead body lies. Any police officer or medical examiner, other than the chief medical examiner, who shall disclose the name or address, or any information which may lead to the obtaining of such name or address of any witness of a death or the circumstances pertaining to a death which shall be the subject of official investigation, to any person other than to an official superior, the district attorney, the chief medical examiner, or a coroner or magistrate presiding over an inquest into the facts of such death, or who shall wilfully withhold any facts from any of the aforesaid officers authorized to receive the same, shall be guilty of a misdemeanor.

AUTOPSIES; FINDINGS

§ 1571-g. If the cause of death shall be established beyond a reasonable doubt, by the investigation hereinbefore provided for, and if such death be clearly due to natural causes, the medical examiner in charge shall so report to the chief medical examiner and shall certify the cause of death to the department of health. If, however, in the opinion of the chief medical examiner, an autopsy is necessary, he shall personally perform such autopsy or require one of the assistant medical examiners to perform the same and may require the removal of the body to a place designated by him for such purpose. Such autopsy shall be conducted in the presence of at least two witnesses. A detailed written description of the findings during the progress of such autopsy and the conclusions drawn therefrom shall thereupon be delivered to the chief medical examiner and filed in his office. The chief medical examiner shall deliver to the district attorney, on request, all records relating to any death which shall have been the subject of inquiry by the chief medical examiner or any assistant medical examiner.

INQUESTS

§ 1571-h. If upon investigation at the place of death or from the facts ascertained by an autopsy, it appears that the death was due to a criminal act, or if for any other reason in his opinion it shall be necessary, the district attorney may cause an inquest to be held before one of the coroners, until the abolishment of the office of coroner, or before a city magistrate, and shall attend the same, examine the witnesses and offer in evidence any or all the records of the chief medical examiner pertaining to the subject of inquest. The magistrate before whom the inquest is held shall file with the district attorney a report which shall state when, where and in what manner the deceased person came to his death, his name, if known, and all material circumstances attending his death; and if it appears that the unlawful act of any person contributed to the death, the magistrate shall further state the name of such person if known to him, and may bind over, as in criminal prosecutions, such witnesses as he considers necessary, or as the distrct attorney may designate, to appear and testify at the court having jurisdiction over such unlawful act. Nothing in this act contained shall be construed to deprive any person arrested on a criminal charge, or detained in custody in connection therewith, of any rights secured to him by law.

REPORT OF DEATHS

§ 1571-i. It shall be the duty of any citizen who may become aware of the death of any person who shall have died in the manner stated in section 1571-d hereof to report such death forthwith to a police officer, and such officer shall, without delay, notify the officer in charge of the station house in the police precinct wherein such death occurred. Any person who shall wilfully neglect or refuse to report such death or who shall, without an order from a medical examiner, wilfully touch, remove, or disturb the body of any one who shall have died in the manner described in section 1571-d hereof, or who shall wilfully touch, remove, or disturb the clothing, or any artcle upon or near such body, shall be guilty of a misdemeanor.

RECORDS

§ 1571-j. In addition to other records and reports required by law or by the mayor or comptroller of The City of New York, the chief medical examiner shall keep in his office indexed records stating the name, if known, of every person reported to him as having died in the manner described in section 1571-d hereof, the place where the body of such person was found and the date of death. To such records he shall attach the original report of the medical examiner assigned to make the investigation, and the findings of the autopsy, if any, as provided for, respectively, in sections 1571-d and 1571-g hereof. The records of the chief medical examiner shall be public records, but the mayor shall have power, with the approval of the board of estimate and apportionment, to make rules prescribing under what conditions such records may be examined.

OATHS AND AFFIDAVITS

§ 1571-k. In pursuance of the powers conferred and the duties imposed upon them by this act, the chief medical examiner and all assistant medical examiners shall severally have power to administer oaths and take affidavits, proofs and examinations as to any matter mentioned or referred to in this act.

§ 5. Sections seventeen hundred and sixty-six to seventeen hundred and seventy-nine, both inclusive, as amended, of chapter four hundred and ten of the laws of eighteen hundred and eighty-two and all other acts and parts of acts which are inconsistent herewith are, to the extent that they are so inconsistent, hereby repealed.

§ 6. This act shall take effect on the first day of January, nineteen hundred and fifteen.

AN ACT

TO AMEND THE CODE OF CIVIL PROCEDURE, IN RELATION TO THE FUNCTIONS NOW EXERCISED BY CORONERS, IN THE CITY OF NEW YORK, IN CIVIL PROCEEDINGS.

(Introduced by MR. BRENNAN—Introduction No. 906)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and eighty-one-a of the code of civil procedure is hereby amended to read as follows:

§ 181-a. Duties of county treasurer in Erie county *and of city chamberlain in the city of New York.* In the county of Erie, the powers imposed and the duties conferred upon the coroners by the provisions of this title shall be exercised and performed by the county treasurer of such county, *and in the city of New York, by the city chamberlain of such city;* and such county treasurer *and such city chamberlain* shall, in the exercise and performance [thereof] *of such powers and duties,* be subject to the same liabilities and responsibilities as are prescribed in this title in the case of coroners.

§ 2. This act shall take effect on the first day of January, nineteen hundred and fifteen.

The Short Ballot Principle

As Officially Defined by The National Short Ballot Organization

THE dangerously great power of politicians in our country is not due to any peculiar civic indifference of the people, but rests on the fact that we are living under a form of democracy that is so unworkable as to constitute in practice a pseudo-democracy. It is unworkable because—

First—It submits to popular election offices which are too unimportant to attract (or deserve) public attention, and,

Second—It submits to popular election so many offices at one time that many of them are inevitably crowded out from proper public attention, and,

Third—It submits to popular election so many offices at one time as to make the business of ticket-making too intricate for popular participation, whereupon some sort of private political machine becomes an indispensable instrument in electoral action.

Many officials, therefore, are elected without adequate public scrutiny, and owe their selection not to the people, but to the makers of the party ticket, who thus acquire an influence that is capable of great abuse.

The "SHORT BALLOT" principle is—

First—That only those offices should be elective which are important enough to attract (and deserve) public examination.

Second—That very few offices should be filled by election at one time, so as to permit adequate and unconfused public examination of the candidates, and so as to facilitate the free and intelligent making of original tickets by any voter for himself unaided by political specialists.

Obedience to this fundamental principle explains the comparative success of democratic government in the cities of Great Britain and other foreign democracies, as well as in Galveston, Des Moines and other American cities that are governed by "Commissions."

The application of this principle should be extended to all cities, counties and states.

THE NATIONAL SHORT BALLOT ORGANIZATION

NOTE—The national organization confines itself to explaining the general principle of the Short Ballot, leaving the questions of the application of the principle to state associations like the New York Short Ballot Organization.

The New York Short Ballot Organization

Executive Committee

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MEMBERSHIP

Any citizen may be enrolled upon payment of the annual membership fee of five (5) dollars.